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Attorney Docket No. 62770.000022

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Section
Summary

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of:

Alfred ALASIA

Serial No.: 09/267,420

Group Art Unit: 3722

Filing Date: March 11, 1999

Examiner: Mark T. Henderson

Title: SELF-AUTHENTICATING
DOCUMENTS

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RESPONSE TO RESTRICTION AND
ELECTION UNDER 35 U.S.C. 121

Mail Stop Non-Fee Amendment
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

The present Election is being filed in response to an Office Action dated May 15, 2003 in the above-captioned application (the "Application"). Claims 1-45 are currently pending in the Application. In the Office Action, it was asserted that the Application contains claims directed to two distinct inventions. Specifically, it was asserted that Claims 1-36 and Claims 37-45 are distinct, although related to each other as a process of making and product made. The basis for this assertion is that the claimed product can be made by a process other than that recited in claims 37-45.

As a result, the Examiner issued a restriction requirement requiring the election of a single group of claims for prosecution. The claims as grouped by the Examiner appear as follows:

In re U.S. Patent Application of Alfred ALASIA
Serial No.: 09/267,420 Filing Date: March 11, 1999
Title: SELF-AUTHENTICATING DOCUMENTS
Page 2 of 3

I. Claims 1-36

II. Claims 37-45

The Applicant respectfully traverses the restriction requirement.

Under the patent statute, 35 U.S.C. § 121, an application may be properly required to be restricted to one of two or more claimed inventions, only if they are able to support separate patents and they are either independent or distinct. 37 C.F.R. 1.141; MPEP 803. However, if the search and examination of an entire application can be made without serious burden, then the examiner must examine it all on the merits, even if it includes claims to distinct or independent inventions. MPEP 803.

Applicant respectfully submits that claims 1-45 require only a single search, and can be examined together without undue burden on the Examiner. The Applicant therefore respectfully requests that the restriction requirement be withdrawn.

Notwithstanding the above and in order to comply with the election requirement, the Applicant hereby elects to prosecute the claims of Group I (i.e., claims 1-36) in the present application.

Date: June 13, 2003

Respectfully submitted,

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In re U.S. Patent Application of Alfred ALASIA
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Page 3 of 3

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